

02-1999-CO17

## Case Conclusion Data Sheet

Name Janet E. MacGillivray

Phone 637-3146 Date 5/10/99

## A. Case and Facility Background

MAY 10 1999

1. EPA Enforcement DOCKET System Case Number (FOR ANALYST USE ONLY) 02-1884-0215

2. Court or Administrative Docket or Index Number 99-52

3. Case Name US v C &amp; D Technologies, Inc.

233957

4.(a) EPA-FINDS Facility ID No. NJD061843249

(If more than one facility, attach Facility Data Form)

(b) EPA Program ID

5. Facility Name NL Industries

6. Facility Address: (a) Street Pennsgrove-Pedricktown Road

(b) City Pedricktown (c) State New Jersey (d) Zip 08067

7.(a) Primary 4-digit SIC-code (b) Other 4-digit SIC-codes

8.(a) Dun &amp; Bradstreet Number (not applicable for CERCLA actions)

(b) For CERCLA actions only: Is this site on the NPL? ☒ Yes ☐ No

9.(a) EPA Lead Attorney Janet E. MacGillivray Phone (212) 637-3146

(b) EPA Program Contact Joseph Gowers Phone (212) 637-4413

10. Statute(s) / Section(s) violated 42 USC 19606, 42 USC 9607, CERCLA 107A  
(Not authorizing section or CFR.) CERCLA 106A11. Action Type ☒ (a) Judicial consent decree or court order (e) Field Citation  
☐ (b) Administrative Penalty Order (f) Administrative Non-Penalty Order (non-Superfund)  
☐ (c) Superfund Administrative Agreement for Cost Recovery (g) Superfund Administrative Order (No Cost Recovery)  
☐ (d) Federal Facility Compliance Agreement (not incl. RCRA FFCA order)

12.(a) Date of Final Instrument 4 / 1 / 99 (b) DOCKET Resolution Code CR

13.(a) Type Case PRN (b) Violation Type(s)

14. Was this a Multi-Media action? ☐ Yes ☒ No If Yes, check all that apply:☐ M-M inspection ☐ M-M complaint ☐ M-M settlement ☐ SEP in other media

15. Was this action a National, Regional, or other special initiative? If so, identify initiative:

No

16. Was the Agency activity taken in response to Environmental Justice concerns? ☐ Yes ☒ No  
If Yes, check the appropriate category:☐  $\geq 25\%$  Minority Population ☐ Minority Population & Low Income  
☐  $\geq 25\%$  Low Income ☐ Other17. Was Alternative Dispute Resolution used in this action? ☐ Yes ☒ No

## B. Compliance Actions (Non-SEP Related)

18. What action(s) did violator accomplish prior to receipt of settlement/order, or will violator take, to return to compliance or meet additional requirements? Such action(s) may be taken pursuant to explicit requirements of the case settlement, or simply in order to comply with statutory or regulatory obligations. Where separate penalty and/or compliance orders are issued in connection with the same violation(s), report the following information for only one of those orders. Select responses(s) from the following:

Use Reduction  
Industrial Process Change  
Emissions/Discharge Change  
(Install/Modify controls)  
Storage/Disposal Change  
Remediation  
Restoration  
Removal  
RD/RA☐  
☐  
☐  
☐  
☐  
☐  
☐  
☒  
☐Testing  
Auditing  
Monitoring/Sampling  
Recordkeeping  
Labeling/Manifesting  
Reporting  
Information Letter Response  
Permit Application  
Training  
Provide Site Access  
Site Assessment  
RI/FS☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐No Action (Penalty Only)  
Other (Please Describe)19. Cost of actions described in Item 18: (Actual cost data supplied by violator are the preferred cost figures.)  
Physical actions (Item 18, Left Column):\$ 21,021,550 Non-physical actions (Item 18, Right Column):\$

20.(a) Quantitative environmental impact of actions described in Item 18:

REDUCTIONS/ELIMINATIONS

Pollutant	Pollutant code / CAS No.	Amount	Units	(% Reduced)	Media
_____	_____	_____	_____	(%)	_____
_____	_____	_____	_____	(%)	_____
_____	_____	_____	_____	(%)	_____

REPORTED INFORMATION

Pollutant	Pollutant code / CAS No.	Amount	Units	Media
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(b) Qualitative environmental impact of actions listed in Item 18. Select one or more of the following observed or predicted benefits:

Human health protection Actual ☐ Potential ☐ Reductions beyond compliance requirements \_\_\_\_\_  
 Worker protection Actual ☐ Potential ☐ Increased public awareness \_\_\_\_\_  
 Ecosystem protection Actual ☐ Potential ☐ Increased Fed/St/local gov't knowledge \_\_\_\_\_  
 Environmental Restoration/Land Use \_\_\_\_\_

Other (Please describe.) \_\_\_\_\_

C. Supplemental Environmental Project (SEP) Information ☐ Yes ☒ No If Yes, check all the appropriate categories. If No, proceed to D.

21. Categories of SEP(s)

- ☐ (a) Public Health
- ☐ (b) Pollution Prevention
  - ☐ (1) equipment/technology modifications
  - ☐ (2) process/procedure modification
  - ☐ (3) product reformulation/redesign
  - ☐ (4) raw materials substitution
- ☐ (c) Pollution Reduction
- ☐ (d) Environmental Restoration and Protection
- ☐ (e) Assessments and Audits
- ☐ (f) Environmental Compliance Promotion
- ☐ (g) Emergency Planning and Preparedness
- ☐ (h) Other Program-Specific SEP (specify) \_\_\_\_\_
- ☐ (5) improved housekeeping/O&M/training/inventory control
- ☐ (6) in-process recycling
- ☐ (7) energy efficiency/conservation

22. SEP description \_\_\_\_\_

23. Cost of SEP. Cost calculated by the PROJECT Model is preferred. \$ \_\_\_\_\_

24. Is Environmental Justice addressed by SEP? ☐ Yes ☒ No

25.(a) Quantitative environmental impact of SEP: pollutants and/or chemicals and/or waste-streams, and amount of reductions/eliminations (e.g., emissions/discharges).

Pollutant	Pollutant code / CAS No.	Amount	Units	(% Reduced)	Media
_____	_____	_____	_____	(%)	_____
_____	_____	_____	_____	(%)	_____
_____	_____	_____	_____	(%)	_____

(b) Qualitative environmental impact of SEP. Select one or more of the following predicted benefits:

Human health protection Actual ☐ Potential ☐ Increased public awareness \_\_\_\_\_  
 Worker protection Actual ☐ Potential ☐ Increased Fed/St/local gov't knowledge \_\_\_\_\_  
 Ecosystem protection Actual ☐ Potential ☐ Environmental Restoration/Land Use \_\_\_\_\_  
 Other (Please describe.) \_\_\_\_\_

D. Penalty (If there is no penalty, enter 0 and proceed to E.)

26.(a) Final Assessed Penalty (NOT including value of any SEP.) \$ \_\_\_\_\_

(b) (If shared) Federal share \$ \_\_\_\_\_ (c) (If shared) State or Local share \$ \_\_\_\_\_

27. For Multi-Media actions, Federal amounts by statute:

Statute \_\_\_\_\_ Amount \$ \_\_\_\_\_ Statute \_\_\_\_\_ Amount \$ \_\_\_\_\_  
 Statute \_\_\_\_\_ Amount \$ \_\_\_\_\_ Statute \_\_\_\_\_ Amount \$ \_\_\_\_\_

E. CERCLA Cost Recovery

28. Amount of cost recovery awarded: \$ 1,515,064.07 EPA

\$ \_\_\_\_\_ State and/or Local Government \$ \_\_\_\_\_ Other